

REMARKS IN SUPPORT OF PATENTABILITY

Claims 1, 10, 11, 21 and 22 have been amended.

Claim 6 has been deleted and the subject matter thereof has been included in Claim 1 to clarify and further distinguish the invention, as claimed in Claim 1, from the prior art.

Claims 10 and 11 have been amended to include the feature “*wherein the end flaps of one of the end panels are separated from the panel by means of reverse fold lines*”.

Claims 21 and 22 have been amended to delete the feature “*wherein the end flaps of one of the end panels are separated from the panel by means of reverse fold lines*”, as these claims are dependent on claims 10 and 11 indirectly via claims 19 and 20, respectively.

The Examiner is of the opinion that claims 1 to 3, 5 to 7, and 9 to 22 are unpatentable over Mulcahy in view of Horiuchi ('338) in that Mulcahy ('019) teaches a structure substantially as claimed, except Mulcahy does not teach structure wherein both the end panels include end flaps, as claimed in the present application.

The Examiner is of the opinion that a structure wherein both end panels include end flaps is taught by Horiuchi (fig 6) and that it would have been obvious and within the level of ordinary skill in the art to modify the structure of Mulcahy to include end flaps at both ends panels, as taught by Horiuchi since

such structures are conventional alternative structures used for the same intended purpose, thereby providing a structure as claimed.

An objective of the invention, as claimed in the present application with respect to the teachings of Mulcahy ('019), is to provide a cheaper, less complex, non-collapsible corrugated cardboard pallet, having sufficient internal strength to withstand the weight applied to it and robust enough to withstand being mechanically handled and transported several times [see p.3 ln. 19 to p.4 ln. 2 of the present application].

This is achieved by providing end flaps 32. The technical effect and function of the end flaps 32 is to provide a strengthened wall which can withstand far greater weight due to the provision of the additional end flaps which fold outwardly and are secured to the end panel [see p.10 lines 1 to 7 of the present application].

Mulcahy teaches a corrugated cardboard pallet having a top sheet, a base sheet and at least one structure (connecting member) between the top and base sheets. The structure (and blank from which the structure is formed) is specifically formed to enable it to be collapsible from an erect form to a relatively flat form.

Horiuchi teaches a corrugated cardboard pallet having structures with end panels wherein both end panels have end flaps. The end flaps are folded inwardly only [paras 35, 43 and 44] to prevent platforms 7 from popping up (para 44).

Both Mulcahy and Horiuchi are silent in relation to end flaps having reverse fold lines and being folded outwardly to provide a strengthened wall. Consequently, if an ordinary skilled person in the art combined the teachings of Mulcahy and Horiuchi he would not arrive at the invention as claimed in the present application, as amended. The present invention is therefore both novel and inventively non-obvious.

Furthermore, Applicant respectfully submits that an ordinarily skilled person in the art would not be motivated to combine the teaching of Mulcahy and Horiuchi and even if they were to do so they would not arrive at the invention as claimed in the present application, for the following reasons:

First, notwithstanding the above-mentioned comments, it is respectfully submitted that an ordinarily skilled person in the art would not consider the structure taught by Mulcahy to be an alternative structure to the structure as claimed in the present application because it is collapsible and therefore cannot possibly carry the same load as the structure as claimed in the present application, nor is it designed to carry the same load – it is specifically designed to carry a lighter load but have the advantage of being collapsible.

The very reason why the Applicant (Mulcahy) filed the present application was because there is a need in the industry for a structure as claimed in the present application; that is, a structure that provides a cheaper, less complex, non-collapsible corrugated cardboard pallet, having sufficient internal strength to withstand the weights that are applied to it and robust enough to withstand being mechanically handled and transported several times, over and above the structure taught by Mulcahy in '019 [see p.3 ln. 19 to p.4 ln. 2 of the present application]. Therefore in no way can the collapsible structure, as taught in the

Applicant's previously filed application (cited document '019), function to provide the objectives of the invention as claimed in the present application; it is not interchangeable in use and therefore cannot be considered an alternative structure. An ordinarily skilled person would therefore not be motivated to consider the teachings of Mulcahy to seek a solution to providing a cheaper, less complex, non-collapsible corrugated cardboard pallet, having sufficient internal strength to withstand the weights that are applied to it and robust enough to withstand being mechanically handled and transported several times [see p.3 ln. 19 to p.4 ln. 2 of the present application].

Secondly, notwithstanding the above-mentioned comments, it is respectfully submitted that even if a person of ordinary skill would have considered modifying the structure of Mulcahy to include end flaps at both end panels, as taught by Horiuchi, he would not arrive at the structure as claimed in the present application. Applying the teachings of Horiuchi i.e. the provision of end flaps on both end panels, to the teachings of Mulcahy would have no effect on the function of the pallet of Mulcahy whatsoever. That is to say, if the structure taught by Mulcahy was provided with end flaps on both end panels, the modified structure would still be a collapsible structure and would not in any way provide a cheaper, less complex, non-collapsible corrugated cardboard pallet, which are objectives of the invention in accordance with the present application, over and above the teachings of Mulcahy ('019) [see p.3 ln. 19 to p.4 ln. 2 of the application]. To the contrary, applying the teachings of Horiuchi to the teaching of Mulcahy would provide a more expensive, more complex, collapsible corrugated cardboard pallet. Consequently, a person of ordinary skill would again have no motivation whatsoever to consider combining the teachings of Horiuchi and Mulcahy, and even if they were to do so they would not arrive at a structure as claimed in the present application.

Thirdly, notwithstanding the above-mentioned comments, even if a person of ordinary skill were to attempt to combine the teachings of Horiuchi and Mulcahy they would find that the teachings are not compatible. Horiuchi teaches end flaps 12 which are folded inward only [paras 35, 43 and 44] to prevent platforms 7 from popping up (para 44). It is not possible to achieve this in the structure taught by Mulcahy as the structure is formed by initially folding the side flaps flat onto the main body and middle section and consequently the inclusion of side flaps, on both end panels, which fold inwardly into the structure is not possible without additional modification of the structure taught by Mulcahy.

Consequently, even if a person of ordinary skill in the art attempted to combine the teachings of these responsibilities he could not arrive at the structure as claimed in the present application without further modification of the structures of Mulcahy and Horiuchi.

CLOSING



The claims have been amended in response to the Examiner's position on patentability.

Applicants respectfully submit that when the Examiner reconsiders the claims in their current form and notes the amendments to the claims that have been made to distinguish the claims from their previous form, the Examiner will be compelled to withdraw the instant rejection of the claims and to issue a notice of allowability for this application. Notification of the same is respectfully solicited.

To the extent there is any fee required in connection with the receipt, acceptance and/or consideration of this paper and/or any accompanying papers submitted herewith, please charge all such fees to Deposit Account 50-1943.

Respectfully submitted,

Date: 4 May 2009

A handwritten signature in black ink, appearing to read "Charles N. Quinn".

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